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April 3, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

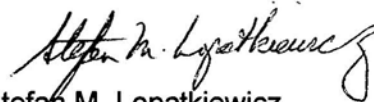
Re: *GN Docket 09-40; Ex Parte Notice*

Dear Ms. Dortch:

On April 2, 2009, the undersigned, together Mr. Walter Ebell, the CEO of Kodiak Kenai Cable Company, Dr. William Barattino and Mr. Justin Stiefel met with the following Commission representatives to discuss Kodiak Kenai Cable Company's views regarding the definitions under the American Recovery and Reinvestment Act on which the Commission will be consulting with NTIA and RUS: Wireline Competition Bureau – Claude Aiken, Katie King; Consumer and Governmental Affairs Bureau – Gregory Vardas, Shana Barehand; Public Safety and Homeland Security Bureau – Carol Simpson; Wireless Telecommunications Bureau – Paul Malmud, Brenda Boykin; Media Bureau – Rebekah Goodheart. The Commission representatives were provided copies of the attached outline of Kodiak Kenai Cable Company's positions in this docket, as well as the attached flyer depicting the existing Kodiak Kenai Cable Company Fiber Link submarine cable system.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed electronically with the Office of the Secretary. Please direct any questions regarding this matter to the undersigned.

Sincerely yours,



Stefan M. Lopatkiewicz
Counsel to Kodiak Kenai Cable Company

Attachments

cc: See attached list of FCC attendees

cc: Claude Aiken
Shana Barehand
Brenda Boykin
Rebekah Goodheart
Katie King
Paul Malmud
Carol Simpson
Gregory Vardas

FCC Consultative Role in Broadband Stimulus Bill Definitions

GN Docket 09-40

KODIAK KENAI CABLE COMPANY

April 2, 2009

I. Introduction and Overview

Ownership of Kodiak Kenai Cable Company (KKCC)

Construction and operation of Fiber Link submarine cable system

The target market: western Alaska – economy, demographics, state of broadband

II. KKCC Views on Broadband Stimulus Definitions

A. Broadband

1. The definition is material to determining what areas are “unserved” and “underserved”
2. Should be a functional definition – not one tied to specific capacity or data speed
 - (a) Congressional conferees recognized the dangers of trying to establish specific bandwidth capabilities
3. Key is sufficient to permit transmission of full-motion video both downstream and upstream
 - (a) Cisco projects by 2012 90% of Internet capacity will be consumed by video content
 - (b) Social networking is a driving application today
 - (c) Migration to mobile video capability continues to grow even in today’s adverse economy
 - (d) Is particularly important in western Alaska for
 - (i) telehealth/telemedicine
 - (ii) distance learning, including for primary/secondary schools.
4. Agrees definition of broadband should be “future proofed” (NTCA)
 - (a) Needs to be sufficiently robust for the “Facebook” generation
5. Functional standard should be supported by all technologies
 - (a) Otherwise interpretation is not technologically neutral

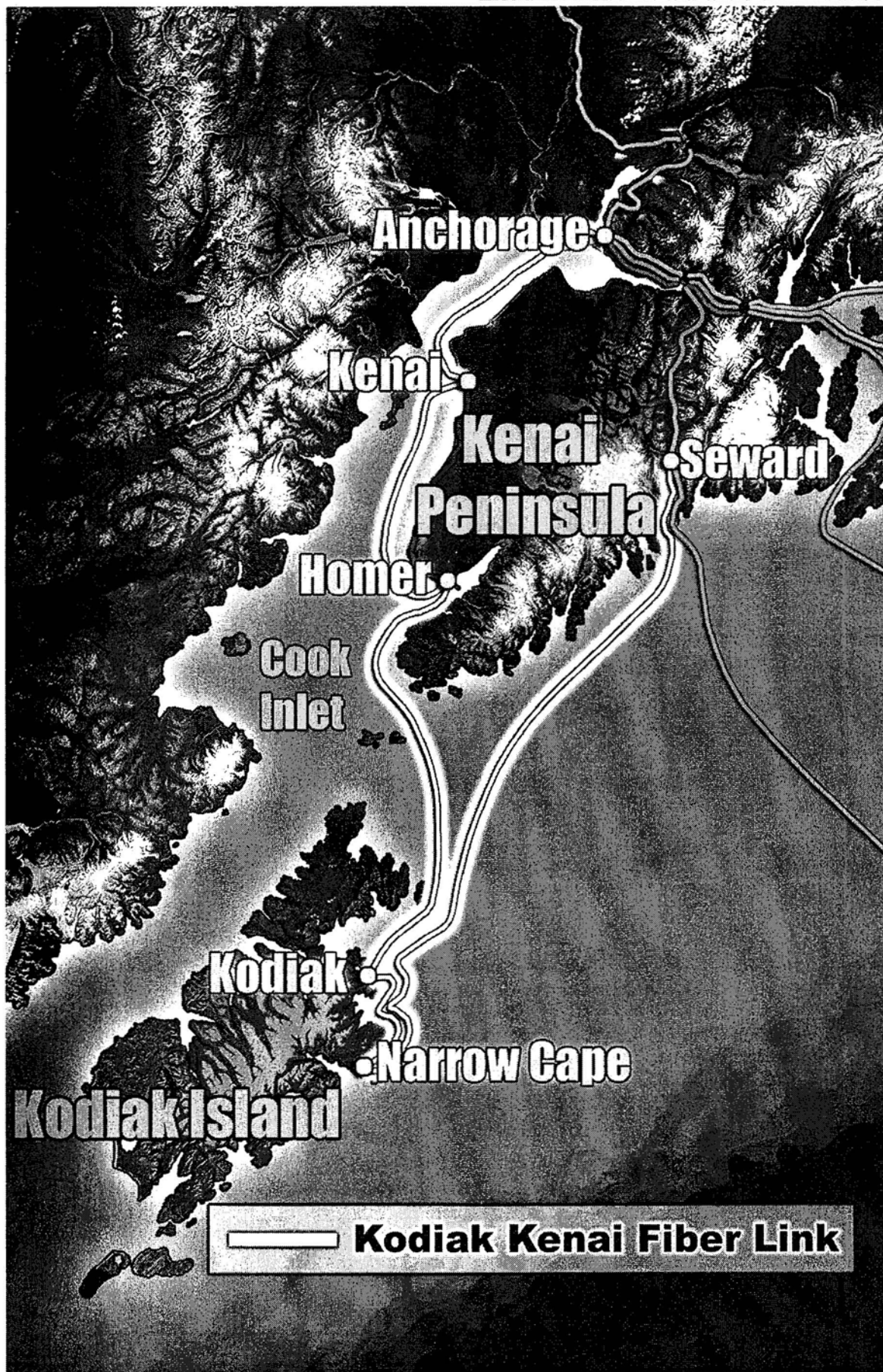
6. Backbone to support next generation broadband projects should receive priority for grants consideration
 - (a) Conferees agreed would create and preserve more jobs than current generation broadband
 - (b) Preference should also be given to projects capable of providing highest possible speeds
- B. Unserved areas
 1. Agree with NARUC that includes areas with only dial-up and satellite delivery
 - (a) Regulatory Commission of Alaska and General Communication Inc. both agree in comments in Docket 09-29 that satellites technology is unable to deliver meaningful broadband capacity
 - (b) Especially at high latitudes, which includes Alaska.
 2. Unserved should get preference over underserved for grants funding since those areas present the most challenging business case
- C. Underserved areas
 1. Subjective consideration tied to definition of broadband
 2. While all areas of country can qualify under legislation, rural areas traditionally lag behind urban ones and should get priority attention
 3. One standard to apply is Section 254 of Communications Act which seeks to ensure "advanced telecommunications and information services that are reasonably comparable to those services provided in urban areas and that are available at rates reasonably comparable to rates charged for similar services in urban areas"
 - (a) A rural area lacking access to broadband services, however defined, reasonably comparable to those of urban area in same state is underserved
- D. Non-Discrimination Obligations
 1. Supports applying FCC's 2005 Policy Statement on Open Nature of Internet to grant recipients
 2. KKCC interest is in applying these standards to telecoms facilities delivering broadband
 3. For unserved and underserved areas, support should be favored for backbone networks providing broadband "highways"

- (i) Focus on long-haul and middle mile solutions
 - (ii) Should be carrier neutral in order to support last-mile competition
 - (iii) Enables multiple service providers for end users in currently unserved and underserved areas
4. Grant recipients should be required to provide support on affordable basis to public interest groups (schools, libraries, higher education institutions, healthcare providers, public safety organizations)

E. Network Interconnection Obligation

1. Grant recipients providing backbone networks have duty and right to interconnect with networks of other carriers under Section 251(a) of Communications Act
- (a) Will prevent local network operators from thwarting usefulness of publicly supported broadband highways
2. Section 251(a)(2) of Act also would require grant recipients to ensure their networks meet
- (a) Guidelines and standards in Section 255 of Act protecting access by persons with disabilities
 - (b) Section 256 requirement promoting “nondiscriminatory accessibility by broadest number of users and vendors of communications products and services”

Connectivity



Project Summary

The Project

The Kodiak Kenai Fiber Link (KKFL) is a submarine fiber optic telecommunications system connecting the 60,000 people of Kodiak Island and the Kenai Peninsula with Anchorage. The system has landing points at Anchorage, Kenai, Homer, Mill Bay Kodiak, and the Alaska Aerospace Development Corporation's (AADC) Launch Complex at Narrow Cape Kodiak and Seward. It alleviates the vulnerability of the Turnagain Arm communication corridor to earthquakes, landslides or terrorist acts. It also connects the region's schools, industry and commerce to the world with real-time broadband services.

The Company

Old Harbor Native Corporation and Ouzinkie Native Corporation, to develop and build the system with the essential support of AADC, formed the Kodiak-Kenai Cable Company (KKCC). KKCC operates as a carriers' carrier, offering broadband capacity to local and long distance exchange carriers for telephone, Internet and other data services.

The System

The KKFL system is a seamless, repeaterless fiber-optic facility, providing for current and future service requirements at the highest industry standards and at a competitive cost. The system's specifications include:

- OC-48 (2.5 Gbps data rate) end-to-end availability target, with an expansion capacity to multiples of 10 Gbps
- Flexible maintenance and repair options and standard transport interfaces to meet existing network providers
- Optical fibers- 8 fiber elements (4 fiber pairs)
- Wet plant design life of 25 years

More detailed information on the Kodiak Kenai Fiber Link Project is available on the website: www.kkfl.info.

Fishermen may download a detailed Lat/Long route position list in Excel™ format on the website by clicking the route link from the main menu.

The Project's Status

Alcatel-Lucent's cable ship, the Maersk Defender, completed the laying of all five marine fiber segments connecting each of the six landing points in November 2006. Northern Telecommunications Construction, Inc. finished construction of the landing facilities and the overland fiber linking the marine plant with the terminal stations in early December 2006. Final system testing and commissioning was completed in December; and the system was declared ready for commercial service. In January 2007, the common carriers began providing retail service to the communities.

The Result

The project now offers affordable, secure, high-speed telecommunication services to approximately ten percent of Alaska's population, the nation's largest Coast Guard Base, a strategically important rocket launch facility, which is critical to the development of the Ground-based Midcourse Missile Defense System. Improved telecommunication delivery will enhance economic and educational opportunities and health services for all the communities connected by this system. The importance of a redundant system is underscored by the reliability requirements for a project serving such varied and important interests. Completion of the project enhances security and expands the potential benefits of this system beyond Kodiak and the Kenai Peninsula by improving communications reliability for Anchorage, Fairbanks and all of interior Alaska.

The system design is more than sufficient to meet the total current requirements of users on Kodiak Island and the Kenai Peninsula and provides significant additional capacity to accommodate future traffic demand, secure transmission, and high-speed, all-weather access free of delay problems.